

EXCERPT FROM THE 1997 EPA STRATEGIC PLAN

Goal 9: A Credible Deterrent to Pollution and Greater Compliance with the Law

EPA will ensure full compliance with laws intended to protect human health and the environment.

Importance of This Goal

Protecting the public and the environment from risks posed by violations of environmental requirements is, and always has been, basic to EPA's mission. Many of America's environmental improvements over the last 25 years are attributable to a strong set of environmental laws and an expectation of compliance with those laws. EPA's strong and aggressive enforcement program has been the centerpiece of efforts to ensure compliance, and has achieved significant improvements in human health and the environment. To meet the challenges presented by the continuing, serious, and complex environmental problems EPA faces and the changes in the type and scope

and develop a broader range of solutions. To this end, EPA is developing additional tools and capabilities for ensuring compliance through assistance and incentives to the regulated community.

By ensuring compliance through an array of traditional and innovative approaches EPA is working to mitigate and avoid risks to human health and the environment, help the regulated community understand and fully comply with environmental requirements, punish violators and deter future violations, level the economic playing field for lawabiding companies, and ensure that the price of goods and services reflects true cost.

Objectives

Through its credible deterrent goal, EPA seeks to ensure full compliance with laws intended to protect human health and the environment. Within the framework of this goal, our objectives are as follows:

- Identify and reduce significant non-compliance in high priority program areas, while maintaining a strong enforcement presence in all regulatory program areas.
- Promote the regulated communities' voluntary compliance with environmental requirements through compliance incentives and assistance programs.

What Will Be Accomplished

EPA's enforcement and compliance responsibilities are outlined in provisions of 15 environmental statutes, and most of the Agency's international activities can be tied to seven international agreements. The accomplishment of EPA's environmental goals depends on a strong enforcement and compliance assurance program, with active involvement of other Federal agencies and its state, tribal, local and other national government partners, to encourage appropriate behavior by the regulated community.

The enforcement and compliance assurance program has made important contributions through vigorous application of environmental laws. By identifying and addressing violations of environmental statutes and regulations during the period covered by this plan, the enforcement and compliance assurance program will work toward continuous improvement in compliance with standards, permits and other requirements established by the program offices to mitigate and avoid environmental problems and the associated risk. Over the next few years, we intend to complete baseline measurement data for use in measuring changes in key indicators of compliance appropriate to designated high priority portions of the regulated community and will set targets as appropriate. Given the scope of its responsibilities and the large and diverse universe of private, public, and federal facilities regulated under the various statutes, the Agency also will work to maximize its effectiveness by strategically targeting its enforcement and compliance activities to address the most significant risks to

human health and the environment and to address disproportionate burden on certain populations, in keeping with EPA's environmental justice responsibilities. Risk-based and related criteria will be applied during program planning, implementation and evaluation.

Because government resources are limited, maximum compliance cannot be achieved without the active efforts of the regulated community to police itself. Over the course of this plan, EPA will assist regulated facilities in improving their compliance and environmental performance by encouraging the use of targeted compliance assistance tools, such as routine environmental auditing for compliance and the development and use of environmental management systems. The Agency also intends to pursue more vigorously the use of compliance incentives as a means of encouraging regulated entities to voluntarily discover, disclose and correct violations before they are identified by the government for enforcement investigation and response. By increasing its communication with the regulated community, the Agency will position itself to identify incentives and promote the benefits of its auditing policies, compliance assistance tools and voluntary environmental management systems programs. Additional specific results anticipated include:

- Implementation of international commitments and U.S. government priorities for enforcement and compliance cooperation with other countries consistent with national environmental and foreign policy goals.
- Increased use of injunctive relief provisions and supplemental environmental projects to achieve environmental restoration and cleanup.
- Increased number of violations reported and subsequently corrected through self-disclosure by the regulated community over the 1997 level.
- Review of significant proposed federal actions (programs, projects, regulations, and proposed legislation) to determine their likely environmental effects and seek remedy of the actions that are environmentally objectionable.

Strategies for How It Will Be Accomplished

EPA will implement a range of strategic approaches to achieve improved compliance through the consistent and effective application of compliance and enforcement tools. EPA's current strong, traditional core enforcement program will continue. In addition, we will improve the Agency's

ability to define high priority (e.g., sectors, media priorities, federal facilities, and ecosystems) portions of the regulated community, develop comprehensive baseline data on the nature and extent of compliance problems, and set challenging targets for improving compliance. Criteria for defining the high priority areas will include those involving high environmental risk, disproportionately exposed populations, or high rates of noncompliance, and those that otherwise present a need to maintain a visible enforcement presence. By increasing the use of injunctive relief provisions and Supplemental Environmental Projects (SEPs), EPA hopes to gain significant environmental benefits in conjunction with the settlement of enforcement cases. This is consistent with the Agency's growing emphasis on the environmental benefits of its activities.

State, tribal and local governments bear much of the responsibility for ensuring compliance, and EPA will work with them and other Federal agencies to promote environmental protection. Further, EPA will cooperate with other nations to enforce and ensure compliance with international agreements affecting the environment. These activities also ensure a level economic playing field in an increasingly global trading system.

In addition, the Agency will work toward expanding current efforts to improve compliance through incentives and assistance activities. Effective compliance assistance assures that environmental standards are clear and understood by the regulated community (including federal facilities) and the public. EPA will work to establish baseline information for targeted sectors of the regulated community and analyze root causes for compliance problems. In recognition of the substantial role played by the states in informing the regulated community of

their responsibilities, sector-specific compliance assistance centers and other tools will be used and evaluated for effectiveness in increasing the understanding of, and compliance with, program requirements. Also, the Agency will pursue compliance incentives to encourage regulated entities to voluntarily discover, disclose and correct violations. These compliance incentives include audit and compliance management programs and partnerships between government and industry, such as the Environmental Leadership Program. Further, the Agency will provide technical assistance and training to other federal, state, and tribal officials to enhance their effectiveness in managing enforcement and compliance assurance programs.

Performance Measures

The Agency continues to work on new approaches for measuring results and impacts of enforcement efforts. The enforcement and compliance program is moving to complement the traditional enforcement output measures with environmental outcome measures. Recent work on the Case Conclusion Data Sheets and compliance assistance activities have yielded environmental outcome data to build upon. Through another effort, the Office of Enforcement and Compliance Assurance National Performance Measures Strategy, EPA is striving to develop a range of measures that reflect the broad spectrum of enforcement and compliance activities, the degree to which they protect human health and the environment, and industry compliance with applicable laws. When this process is completed, performance targets will be set using compliance indicators appropriate to the program and particular universe of regulated facilities involved. The set of indicators could include rates of significant noncompliance, repeat violators, timely and appropriate actions taken, economic benefits recovery, pollutant reductions in high risk areas, and compliance assistance results. There will be involvement from EPA, states and other stakeholders in identifying, evaluating and selecting these indicators. Additionally, on the international front, EPA has developed performance measures for enforcement and compliance cooperation with Mexico. Under the Cooperative Enforcement and Compliance provisions of the U.S.-Mexico Border XXI program, both countries will develop environmental indicators (both outputs and outcomes) to measure compliance in the border area.